

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

DATE: November 3, 2004
FILE NO: #2095119

FROM: JOHNNY G. JURADO, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: PLENT GERALD, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
CHASE, BRUCE, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
CONNER, ZACK, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
HACKETT, CLIPPER, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
BARTH, PHIL, SERGEANT # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
BAUDINO, ANTHONY, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
KEELIN, FRED, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
DEMELLO, JACK, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
RECTOR, RICK, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
GALLEGOS, CLARENCE, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
BURWELL, ERNEST, DEPUTY # [REDACTED] SPECIAL ENFORCEMENT BUREAU, OHS
GUILBAULT, ROBERT, SERGEANT # [REDACTED] SPECIAL ENFORCEMENT BUREAU,
OHS

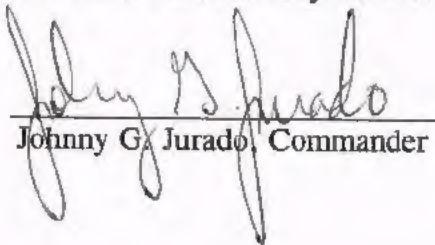
On August 8, 2003, personnel from the Special Enforcement Bureau (SEB) responded to a remote residence in the desert where Donald Kueck, the suspect in a deputy's murder, was possibly seen. SEB contained the location and made approximately 20 minutes of P.A. announcements requesting Kueck to surrender. After Kueck did not surrender, chemical agents were inserted into several of the structures at the location. The Los Angeles Police Department's Armored Response Vehicle (ARV) was used to deliver the chemical agents and then begin tearing down the smaller structures on the property. Kueck did not surrender and began shooting at the deputies. The deputies returned fire and additional chemical agents were deployed. Kueck still refused to surrender. Road flares were then deployed onto the partially collapsed structure Kueck was believed to be firing from. The structure caught fire, but Kueck still did not surrender. After the structures at the location burned, a search of the area was conducted. Kueck's remains were found in one of the burned structures.

On October 26, 2004, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all personnel was reasonable and necessary and in

compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy. The Committee recognized that a significant debriefing of the operational issues of concern to the Committee had already occurred.



Johnny G. Jurado, Commander

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OFFICER INVOLVED SHOOTING EVALUATION

OFFICER INVOLVED SHOOTING FORM

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- B. Drawing Depicting Location, Sergeant Guilbault
- C. Drawing and Photograph Depicting Location, Lieutenant Maxwell
- D. Photographs, Overhead of Location
- E. Photographs, Fire Damage to Location
- F. Photographs, Fire Damage to Vehicles
- G. Photographs, Bullet Strikes
- H. Photographs, Bullet Strikes
- I. Photographs, Suspect Kueck's Remains and Assault Rifle
- J. Photographs, Deputy Sorensen's Handguns
- K. Photographs, Deputy Sorensen's Handheld Radio
- L. Photographs, Suspect Kueck's Remains

MISCELLANEOUS DOCUMENTS

- Administrative Rights/Admonition Forms
- Consolidated Criminal History Reporting System Report, Suspect Kueck
- Chief's Memorandum

Los Angeles County Sheriff's Department

Officer Involved Shooting

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Report Date: 08-08-03		Bureau/Station/Facility: SEB		Admin. Invest.? <input type="checkbox"/>		Hit? <input checked="" type="checkbox"/>	
Incident Information							
URN: 003-13578-2670-013				Date: 08-08-03		Time: 1130	
City or Station: PALMDALE STATION				Nature of Incident: BARRICADED SUSPECT AT LOCATION, WANTED FOR THE MURDER OF DEPUTY SORENSON.			
Location: E. AVENUE R, LLANO							
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot <u>Residence</u> Rural School Street Other: _____		Lighting (circle only one): Darkness <u>Daylight</u> Other Street Lights		Incident Type (circle one or more): Accidental <u>Armed Person</u> Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Stairle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Other: _____		Initiated by (circle only one): Arrest Warrant <u>Call</u> Observation One Person Unit Other Search Warrant Two Person Unit	
		Weather (circle only one): <u>Clear</u> Cloudy Fog Rain				Prior Activity (circle only one): Detective Inmate Transport <u>Other</u> Routine Patrol	
		Distance: UNKNOWN					
		Total # of Shots Fired by Deputy UNKNOWN				Total # of Shots Fired by Suspect UNKNOWN	
Employee Witnesses							
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one): EM PM <u>Day</u>		Shift Type (circle only one): <u>Regular</u> Overtime Off Duty	
	Garay	Ralph					
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one): EM PM <u>Day</u>		Shift Type (circle only one): <u>Regular</u> Overtime Off Duty	
	Aleman	Daniel					
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one): EM PM <u>Day</u>		Shift Type (circle only one): <u>Regular</u> Overtime Off Duty	
	Wilber	Michael					
Non-Employee Witnesses							
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
LAPD # Sergeant							
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
LAPD # Officer							
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
Supervisors							
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> <u>Present during shooting</u>		(circle one or more): <u>Witness to shooting</u> <u>Involved in shooting</u>	
	Maxwell	Patrick					
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> <u>Present during shooting</u>		(circle one or more): <u>Witness to shooting</u> <u>Involved in shooting</u>	
	Guilbault	Robert					
Watch Sergeant							
Employee #	Last Name	First Name	M.I.				
Watch Commander							
Employee #	Last Name	First Name	M.I.				
	Evans	Daryl					

PSTD Use Only	
SH #	2081149

Rollout Information			
Arrival Date	08-08-03	Arrival Time	2355
Date Submitted		Date of Recommendation	
Employee #	Last Name	First Name	M.I. M
	SUTTON	WES	
Employee #	Last Name	First Name	M.I. R
	BERG	MICHAEL	
Employee #	Last Name	First Name	M.I. D
	JENNINGS	RICKEY	

Shooting / Force Information	
Shooting / Force	

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton: (Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton: (Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon: (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon: (Push)
(CT)	Control Holds: (Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds: (Team Takedown)	(RS)	Resistance
(TD)	Control Holds: (Takedown)	(CN)	Restraint Device: (Capture Net)
(CE)	Chemical	(RH)	Restraint Device: (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device: Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device: Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Banelli	(JE)	Jennings	(RO)	Ross
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Reven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9)	9 mm	(24)	243 caliber	(41)	.410 gauge
(10)	10 mm	(25)	25 caliber	(44)	.44 caliber
(12)	12 gauge	(30)	308 caliber	(45)	.45 caliber
(20)	20 gauge	(35)	357 caliber	(50)	50 mm
(21)	22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED (one code per block)[illegible]

Officer Involved Shooting Involved Employee Information

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Involved Employee

E 1	Employee # [REDACTED]		Last Name Chase		First Name Bruce		M.I. D	
	Sex: M	Race: W	Rank: Deputy Sheriff	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team			
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:	
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	Interviewed? <input checked="" type="checkbox"/>
	Hrs of sleep prior to shooting: 4 to 6		Duty Time (hrs): [REDACTED]	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest		Other Factors:		
	Age: [REDACTED]	Height: 5'11"	Weight: 175 LBS	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]	Laser Training Date: [REDACTED]	
	Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit: [REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 3		
	Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
	Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
	E 2	Employee # [REDACTED]		Last Name Conner		First Name Zack		M.I.
Sex: M		Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team			
ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	Interviewed? <input checked="" type="checkbox"/>	
Hrs of sleep prior to shooting: 3 to 4		Duty Time (hrs): [REDACTED]	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest		Other Factors:			
Age: [REDACTED]		Height: 5'08"	Weight: 205 LBS	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]	Laser Training Date: [REDACTED]	
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit: [REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1			
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		
E 3		Employee # [REDACTED]		Last Name Hackett		First Name Clipper		M.I.
	Sex: M	Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team			
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:	
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	Interviewed? <input checked="" type="checkbox"/>
	Hrs of sleep prior to shooting: 4		Duty Time (hrs): [REDACTED]	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest		Other Factors:		
	Age: [REDACTED]	Height: 6'03"	Weight: 250 LBS	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]	Laser Training Date: [REDACTED]	
	Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit: [REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1		
	Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
	Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	

Officer Involved Shooting Involved Employee Information

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Involved Employee

E 4	Employee # [REDACTED]		Last Name Barth		First Name Phil		M.I.	
	Sex: M	Race: White	Rank: Sergeant	Unit Assignment: Sergeant		Work Assignment (Unit #, Module, etc.): Tan Team		
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:	
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	
	Hrs of sleep prior to shooting: 7 to 8		Duty Time (hrs): [REDACTED]		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest (Uniform w/ Vest) Raid Jacket w/ Vest Uniform no Vest		Other Factors:	
	Age: [REDACTED]	Height: 5'09"	Weight: 170 LBS					
	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]		Laser Training Date: [REDACTED]			
	Certified with Weapon Used? [REDACTED]		Patrol Certification? [REDACTED]		Certification Unit: [REDACTED]		Prior Shootings? <input checked="" type="checkbox"/> Number of Prior Shootings: 1	
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		

E 5	Employee # [REDACTED]		Last Name Plent		First Name Gerard		M.I.	
	Sex: M	Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB		Work Assignment (Unit #, Module, etc.): Tan Team		
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:	
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	
	Hrs of sleep prior to shooting: Unknown		Duty Time (hrs): [REDACTED]		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest (Uniform w/ Vest) Raid Jacket w/ Vest Uniform no Vest		Other Factors:	
	Age: [REDACTED]	Height: 6'02"	Weight: 220 LBS					
	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]		Laser Training Date: [REDACTED]			
	Certified with Weapon Used? [REDACTED]		Patrol Certification? [REDACTED]		Certification Unit: [REDACTED]		Prior Shootings? [REDACTED] Number of Prior Shootings: [REDACTED]	
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		

E 6	Employee # [REDACTED]		Last Name Baudino		First Name Anthony		M.I.	
	Sex: M	Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB		Work Assignment (Unit #, Module, etc.): Tan Team		
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:	
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #	
	Hrs of sleep prior to shooting: 5		Duty Time (hrs): [REDACTED]		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest (Uniform w/ Vest) Raid Jacket w/ Vest Uniform no Vest		Other Factors:	
	Age: [REDACTED]	Height: 5'10"	Weight: 180 LBS					
	Range Qualification Date: [REDACTED]		PPC Qualification Date: [REDACTED]		Laser Training Date: [REDACTED]			
	Certified with Weapon Used? [REDACTED]		Patrol Certification? [REDACTED]		Certification Unit: [REDACTED]		Prior Shootings? <input checked="" type="checkbox"/> Number of Prior Shootings: 2	
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		
Field Training Officer Emp # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]		

Officer Involved Shooting Involved Employee Information

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Involved Employee

E 7	Employee # [REDACTED]	Last Name	Keelin	First Name	Fred	M.I.
Sex:	M	Race:	White	Rank	Deputy Sheriff	Unit Assignment:
					SEB	Work Assignment (Unit #, Module, etc.):
						Tan Team
ShiftTime (circle only one):	EM	PM	(Day)	ShiftType (circle only one):	(Regular)	Overtime
					Off Duty	Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>	Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case #	Interviewed? <input checked="" type="checkbox"/>		
Hrs of sleep prior to shooting:	6	Duty Time (hrs):	[REDACTED]	Clothing (circle only one):	Plain Clothes no Vest	Raid Jacket w/ Vest
Age:	[REDACTED]	Height:	5'11"	Weight:	195LBS	Uniform no Vest
						Uniform w/ Vest
Range Qualification Date:	[REDACTED]	PPC Qualification Date:	[REDACTED]	Laser Training Date:	[REDACTED]	
Certified with Weapon Used?	[REDACTED]	Patrol Certification?	[REDACTED]	Certification Unit:	[REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>
						Number of Prior Shootings: 1
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.

E 8	Employee # [REDACTED]	Last Name	Demello	First Name	Jack	M.I.
Sex:	M	Race:	White	Rank	Deputy Sheriff	Unit Assignment:
					SEB	Work Assignment (Unit #, Module, etc.):
						Tan Team
ShiftTime (circle only one):	EM	PM	(Day)	ShiftType (circle only one):	(Regular)	Overtime
					Off Duty	Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>	Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case #	Interviewed? <input checked="" type="checkbox"/>		
Hrs of sleep prior to shooting:	5	Duty Time (hrs):	[REDACTED]	Clothing (circle only one):	Plain Clothes no Vest	Raid Jacket w/ Vest
Age:	[REDACTED]	Height:	6'02"	Weight:	210LBS	Uniform no Vest
						Uniform w/ Vest
Range Qualification Date:	[REDACTED]	PPC Qualification Date:	[REDACTED]	Laser Training Date:	[REDACTED]	
Certified with Weapon Used?	[REDACTED]	Patrol Certification?	[REDACTED]	Certification Unit:	[REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>
						Number of Prior Shootings: 1
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.

E 9	Employee # [REDACTED]	Last Name	Rector	First Name	Rick	M.I.
Sex:	M	Race:	White	Rank	Deputy Sheriff	Unit Assignment:
					SEB	Work Assignment (Unit #, Module, etc.):
						Tan Team
ShiftTime (circle only one):	EM	PM	(Day)	ShiftType (circle only one):	(Regular)	Overtime
					Off Duty	Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>	Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case #	Interviewed? <input checked="" type="checkbox"/>		
Hrs of sleep prior to shooting:	4	Duty Time (hrs):	[REDACTED]	Clothing (circle only one):	Plain Clothes no Vest	Raid Jacket w/ Vest
Age:	[REDACTED]	Height:	6'00"	Weight:	195LBS	Uniform no Vest
						Uniform w/ Vest
Range Qualification Date:	[REDACTED]	PPC Qualification Date:	[REDACTED]	Laser Training Date:	[REDACTED]	
Certified with Weapon Used?	[REDACTED]	Patrol Certification?	[REDACTED]	Certification Unit:	[REDACTED]	Prior Shootings? <input checked="" type="checkbox"/>
						Number of Prior Shootings: 3
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.
Field Training Officer Emp #	[REDACTED]	Last Name	[REDACTED]	First Name	[REDACTED]	M.I.

Officer Involved Shooting Involved Employee Information

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Involved Employee									
E 10	Employee #	Last Name Gallegos			First Name Clarence			M.I.	
	Sex: M	Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team				
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #		Interviewed? <input checked="" type="checkbox"/>
	Hrs of sleep prior to shooting: 5		Duty Time (hrs):		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest		Other Factors:		
	Age:	Height: 5'09"	Weight: 180 LBS						
	Range Qualification Date:			PPC Qualification Date:			Laser Training Date:		
	Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 3	
	Field Training Officer Emp #		Last Name			First Name		M.I.	
	Field Training Officer Emp #		Last Name			First Name		M.I.	
E 11	Employee #	Last Name Burwell			First Name Ernest			M.I.	
	Sex: M	Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB/K-9	Work Assignment (Unit #, Module, etc.): Tan Team				
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #		Interviewed? <input checked="" type="checkbox"/>
	Hrs of sleep prior to shooting: 6-7		Duty Time (hrs):		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest		Other Factors:		
	Age:	Height: 5'08"	Weight: 200 Lbs						
	Range Qualification Date:			PPC Qualification Date:			Laser Training Date:		
	Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 2	
	Field Training Officer Emp #		Last Name			First Name		M.I.	
	Field Training Officer Emp #		Last Name			First Name		M.I.	
E 12	Employee #	Last Name Guilbault			First Name Robert			M.I.	
	Sex: M	Race: White	Rank: Sergeant	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team				
	ShiftTime (circle only one): EM PM (Day)		ShiftType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #		Interviewed? <input checked="" type="checkbox"/>
	Hrs of sleep prior to shooting: 6		Duty Time (hrs):		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest		Other Factors:		
	Age:	Height: 6'02"	Weight: 220LBS						
	Range Qualification Date:			PPC Qualification Date:			Laser Training Date:		
	Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1	
	Field Training Officer Emp #		Last Name			First Name		M.I.	
	Field Training Officer Emp #		Last Name			First Name		M.I.	

Officer Involved Shooting Suspect Information

URN: 003-13578-2670-013

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Suspect Information

S 1	Last Name KUECK		First Name DONALD		M.I.
	AKA Last Name		First Name		M.I.
	Sex: M	Race: White	Street Address: [REDACTED]		City: [REDACTED] State & Zip Code: [REDACTED]
	Work Phone: [REDACTED]	Home Phone: [REDACTED]	Social Security #: [REDACTED]	Driver's License #: [REDACTED]	
	Age: 52 D.O.B. 08/21/50	Height: 6'02" Weight: 185Lbs	FBI #	CII #	
	Booking #	Primary Charge: 187 PC		Secondary Charge:	
	Coroner Case? <input checked="" type="checkbox"/>	Coroner Case # 2003-05989	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input checked="" type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? [REDACTED]	
	Vehicle Make		Model:	Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City: State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CII #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City: State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CII #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City: State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CII #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	

SUPPLEMENTAL EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

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Employee Witnesses			
Last Name	First Name	M.I.	
Schlegel	Richard		
Street Address	Zip Code	Work Ph	Home Ph
# [REDACTED] Special Enforcement Bureau			
Last Name	First Name	M.I.	
Maxwell	Patrick		
Street Address	Zip Code	Work Ph	Home Ph
# [REDACTED] Special Enforcement Bureau			
Last Name	First Name	M.I.	
Williams	Joseph		
Street Address	Zip Code	Work Ph	Home Ph
# [REDACTED] Special Enforcement Bureau/K-9			
Last Name	First Name	M.I.	
Ramirez	Andres		
Street Address	Zip Code	Work Ph	Home Ph
# [REDACTED] Crisis Negotiations Team			
Last Name	First Name	M.I.	
[REDACTED]	[REDACTED]	[REDACTED]	
Street Address	Zip Code	Work Ph	Home Ph
# [REDACTED]			
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

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Employee Witnesses			
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
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Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION**

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

March 24, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 03-0638
L.A.S.D. File # 003-13578-2670-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 8, 2003, fatal shooting of Donald Kueck. A review of the evidence suggests that Los Angeles County Sheriff's Deputies and Los Angeles Police Department Officers acted lawfully in self-defense.

The following analysis is based on the reports relating to this matter that were submitted to this office on January 5, 2004 by Sergeant Mark Winters from the Los Angeles County Sheriff's Department (LASD), Homicide Division. On August 9, 2003 at approximately 8:00 a.m., Deputy District Attorney Michael Mallano and District Attorney Senior Investigator [REDACTED] responded on behalf of the District Attorney's Response Team and conducted a walk-through of the scene. All of the involved deputies' tape-recorded, non-compelled statements concerning this incident were reviewed as part of this analysis. No compelled statements were reviewed.

FACTUAL ANALYSIS

On August 8, 2003 at approximately 1:00 p.m., Los Angeles County Sheriff's Department's Special Enforcement Bureau, along with Los Angeles Police Department's (LAPD) Metropolitan Division Swat Team, executed a search warrant at [REDACTED] East Avenue R, in the City of Llano. They were attempting to apprehend Donald Kueck. Judge Thomas R. White of Antelope Valley Judicial District, Lancaster Court, issued the search warrant.

Kueck was the admitted killer of Deputy Stephen Sorenson, who was murdered while on duty, on August 2, 2003. Kueck used a .223 caliber assault rifle to murder Deputy

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: <http://da.co.la.ca.us>

Sorenson. He also stole the Deputy's 9-mm Beretta duty weapon, a .38 caliber revolver, and his department issued radio.

On August 8, 2003 at approximately 12:00 p.m., prior to the execution of the search warrant, [REDACTED] was in telephonic contact with Kueck. [REDACTED] is the [REDACTED] of Kueck. She had previously informed the Sheriff's Department that Kueck had been calling her at home. [REDACTED] attempted to convince Kueck to surrender peacefully. They were in contact periodically until approximately 6:00 p.m. that evening. All of the conversations were tape-recorded. Kueck was repeatedly advised that he would be treated properly, were he to surrender peacefully. When Kueck was asked about Deputy Sorenson, he stated that he had "shot the Deputy in the side where the body armor is." [REDACTED] told Kueck, "tell me what you want Donald and I guarantee you I'll make it happen." "You won't be mistreated, I'll get you medical treatment." Kueck was unresponsive and seemed to be in despair. He was continually rambling, sometimes incoherently. Earlier that day, Kueck told his [REDACTED] "I just hope I die before I kill them." "They are Gestapo, these aren't innocent men." He also admitted to her that he killed Deputy Sorenson and took his guns. Kueck informed [REDACTED] that, by 8:00 p.m., he would "end things" by surrendering or by killing himself. Each time Kueck called, [REDACTED] assured him that he would not be harmed were he to surrender. Kueck made his final call at 6:00 p.m. It was clear from the audiotapes that [REDACTED] was doing everything in his power to talk Kueck into surrendering peacefully. Despite these efforts, Kueck never agreed to surrender, nor did he take any affirmative action demonstrating an intent to surrender.

About the same time [REDACTED] was in contact with Kueck, Lieutenant Andres Ramirez from the Los Angeles Sheriff's Department Crisis Negotiation Team went to 180th Street and Palmdale Boulevard to attempt to convince Kueck to surrender. Ramirez was unable to contact Kueck via cell phone, hard line, or over the Sheriff's radio. His efforts were tape-recorded.

When it was learned that Kueck was hiding at [REDACTED] East Avenue R, in the City of Llano, the Special Enforcement Bureau was dispatched to the location. The Los Angeles Police Department's Metropolitan Division Swat Team assisted them. A tactical plan was discussed and approved by the command staff. The plan called for the initial deployment of containment personnel armed with long rifles using an Armored Response Vehicle (ARV). Also inside the ARV were a number of personnel serving as a "ready response contingent." Due to the fact that the location is in the middle of a flat desert, there was poor cover for the deputies serving as containment.

After these deputies were in place, public address announcements were broadcast urging Kueck to surrender peacefully. According to Lieutenant Patrick Maxwell, the sustained use of public address announcements, urging Kueck to surrender, went on for several hours. Kueck refused to submit. The announcements were tape-recorded. These announcements continued throughout the entire evening.

Law enforcement agents then introduced chemical agents into the structures at the location via the ARV. The ARV has a long detachable boom with a fire resistant "burn safe" affixed to the front end. The ARV proceeded to each structure, the boom was inserted, and the chemical agent, commonly referred to as "tear-gas" was deployed. The ARV had to reattach a burn safe after each deployment. All the while, the continued use of public address announcements urged Kueck to surrender. It appeared that the chemical agent was having little success, in that the structures were well ventilated and the wind was clearing the gas too quickly to have the desired effect. After the structures were breached, they attempted to contact Kueck, but he refused to respond.

The next tactic was to open the walls of the various structures with the ARV, hoping to expose Kueck and force his peaceful surrender. During the breach of the northwest structure, the roof collapsed leaving a "lean-to" appearance. A number of personnel heard a small caliber gunshot come from that structure, immediately followed by high powered gunshots, sounding like a .223 assault rifle. It was determined that none of the law enforcement personnel had fired their weapons. The ARV was under fire. It should be noted that this was the first time this ARV had been used in a combat situation and it was uncertain how effective it would be in stopping high-powered rounds. The personnel inside the ARV returned fire. After the incident, it was obvious that multiple rounds from the .223 assault rifle, which was subsequently recovered from Kueck, struck the ARV.

Meanwhile, personnel assigned to containment heard gunshots "whizzing" by their heads. The personnel on the perimeter were "hung-out" without proper cover. These personnel also returned Kueck's fire. An intense firefight broke out and the deputies could see muzzle flashes coming from the northwest structure. The containment personnel on the perimeter were ordered to move, because their location was deemed too dangerous.

At this point, the decision was made to hand launch additional chemical agents into the structure. Further public address announcements were made, urging Kueck to surrender, which he answered with more gunfire. The ARV returned to the northwest shed to deploy more gas. Kueck continued to fire at the ARV. Deputy Rick Rector deployed a "hot gas" canister using a shotgun launcher, but it missed the target. Two hot gas canisters were thrown by hand into the structure, but Kueck continued to shoot. The hot gas has a burning catalyst, which disperses the gas in a greater volume and more rapidly than the previously used tear-gas. Two "flash-bangs" were utilized in hopes of flushing Kueck out, but they had no effect. Flash bangs are diversionary devices that emit a brilliant light accompanied with a single loud "boom."

The ARV backed away and Kueck was asked again to surrender, while all personnel held their fire. Kueck again refused and fired more rounds at the ARV. At that point a tactical plan was made to deploy common road flares on Kueck's bunkered position. It was hoped that the flares would cease Kueck's constant and deadly assault and cause him to surrender. After substantial discussion, the incident commander authorized the plan. Deputy Rector deployed two flares into the northwest structure. The hope was to force

Kueck out of the structure with heat, and then use non-lethal force to take him into custody. The flares gradually ignited a small fire on the collapsed shed. Announcements continued urging Kueck to surrender, while the deputies held their fire. Kueck refused, and again fired rounds at the ARV with his high-powered assault rifle. After several minutes, the structure became fully engulfed in flames. Due to high wind, the other structures on the property eventually caught fire as well. Most of the return fire during the incident was controlled and coordinated to provide cover to Deputy Rector when he deployed gas, flash bangs, and flares.

The fire department was immediately requested, but they refused to respond due to the danger. Lieutenant Maxwell then requested they make a water drop from the air. That request was also denied, due to the danger it would present to the firefighters.

On August 9, 2003 at approximately 1:15 a.m., a search was conducted and human remains were located inside the northwest structure. A containment was established until additional investigators from the Arson Division, the District Attorney's Office, Coroner's Office, and Sheriff's Homicide Division could arrive. At approximately 8:45 a.m., representatives from all of the above agencies conducted a walk-through of the scene.

In the northwest structure one could see the charred remains of a human, later identified as Donald Kueck. Next to the body, was a high-powered .223 Daewoo assault rifle. The assault rifle was the same caliber and type of weapon that was used to murder Deputy Sorenson. The assault rifle contained an empty magazine, which was in place in the port of the rifle. The safety was in "fire mode." Under the rifle was a Beretta 9-mm semiautomatic pistol with the safety off and the hammer cocked. It was later determined that the serial number matched Deputy Sorenson's duty weapon, which was stolen from him at the time he was murdered. A Sheriff's radio, later identified as belonging to Deputy Sorenson, was recovered near Kueck's right shoulder. Additional evidence included a cell phone, miscellaneous cartridge casings, empty rifle magazines and bullets. After the Coroner's personnel removed Kueck's body, an additional Smith and Wesson .38 revolver was found underneath the body. It was later identified as Deputy Sorenson's back-up weapon.

Deputy Medical Examiner Irwin Golden of the Los Angeles County Coroner's Office ascribed the cause of death as "multiple firearms wounds with a contributing factor of probable effects of thermal burns." He recovered one expended bullet from Kueck's body that was most consistent with ammunition for a .38 caliber or a .357 magnum. It should be noted that no law enforcement personnel fired weapons of either of these calibers. Thus, it was determined that this round was in all likelihood self-inflicted. The .38 caliber revolver contained a fired .38 caliber cartridge casing.

Decedent Kueck had a criminal record that included a

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

The evidence in this investigation shows that on August 8, 2003, Los Angeles County Sheriff's Department personnel along with Los Angeles Police Department personnel took measures to capture Donald Kueck and protect themselves. Their actions were in direct response to deadly force that was initiated by Kueck. Kueck's refusal to comply with lawful commands and his armed assault with a high-powered .223 caliber assault rifle necessitated the use of an array of tactics by the deputies and officers involved in the incident.

Based on the evidence, we find that the tactics employed, albeit unique, were resourceful and the level of force utilized by law enforcement personnel at the scene was both reasonable and lawful under the circumstances. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *Mike Mallano by na*

MICHAEL MALLANO
Deputy District Attorney
(213) 974-3880

c: Deputy Jack Demelo # [REDACTED]
Deputy Rick Rector # [REDACTED]
Deputy Fred Keelin # [REDACTED]
Deputy Gerard Plent # [REDACTED]
Deputy Zachary Conner # [REDACTED]
Deputy Clarence Gallegos # [REDACTED]
Deputy Robert Guilbault # [REDACTED]
Deputy Bruce Chase # [REDACTED]
Deputy Anthony Baudino # [REDACTED]
Deputy Phillip Barth # [REDACTED]
Deputy Clipper Hackett # [REDACTED]
Deputy Ernest Burwell # [REDACTED]

Deputy Richard Schlegel # [REDACTED]
Deputy Joseph Williams # [REDACTED]
Deputy Patrick Maxwell # [REDACTED]
Officer [REDACTED] # [REDACTED]
Officer [REDACTED] # [REDACTED]